IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant.....Microsoft Corp.
Group Art Unit 2176
Examiner .....Bashore, William L.
Attorney's Docket No. MS1-907US
Title: "Method and Apparatus for Processing Content"

APPEAL BRIEF

To: Commissioner for Patents
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Pursuant to 37 C.F.R. §41.37, Applicant hereby submits an appeal brief for application 09/848,705, filed May 2, 2001, within the requisite time from the date of filing the Notice of Appeal. Accordingly, Applicant appeals to the Board of Patent Appeals and Interferences seeking review of the Examiner's rejections.

(1) Real Party in Interest

The real party in interest is Microsoft Corporation, the assignee of all right, title and interest in and to the subject invention.

(2) Related Appeals and Interferences

Appellant is not aware of any other appeals, interferences, or judicial proceedings which will directly affect, be directly affected by, or otherwise have a bearing on the Board's decision to this pending appeal.

(3) Status of Claims

Claims 1-38 stand rejected and are pending in the Application. Claims 1-38 are appealed. Some of these claims were previously amended. Claims 1-38 are set forth in the Appendix of Appealed Claims.

(4) Status of Amendments

A Final Office Action was issued on June 16, 2006.

A Response to the Final Office Action was filed August 15, 2006. No claims were amended, cancelled, withdrawn or added via the Response.

An Advisory Action was issued on September 8, 2006 indicating that the request for reconsideration had been considered but did not place the application in condition for allowance.

Appellant filed a Notice of Appeal on October 13, 2006 in response to the Advisory Action and the Final Office Action.

(5) Summary of Claimed Subject Matter

A concise explanation of each of the independent claims is included in this Summary section, including specific reference characters. These specific reference characters are examples of particular elements of the drawings for certain embodiments of the claimed subject matter and the claims are not limited to solely the elements corresponding to these reference characters.

With respect to independent claim 1, a computer executable method includes retrieving 308 content (Fig. 3; pg. 9, lines 6-8) from a plurality of content providers 102 (Figs. 1 and 3; pg. 5, lines 12-15; and pg. 9, lines 5-8). The retrieved content is to be displayed in at least one Web page (pg. 10, lines 4-5). The method includes verifying 308 a format (Fig. 3; pg. 9, lines 6-8) of the retrieved content by comparing a data structure of the retrieved content with a data structure defined in a schema file 112 (Fig. 1; pg. 7, lines 1-4 and 19-21). The method further includes rejecting 312 particular content (Fig. 3; pg. 9, lines 10-11) if the particular content format is not valid. If the particular content is valid, the method includes scheduling 318 the particular content (Fig. 3; pg. 9, lines 14-17) to be displayed at a scheduled time (pg. 8, lines 4-7; and pg. 9, lines 14-17), and displaying 320 the particular content (Fig. 3; pg. 9, lines 15-17) at the scheduled time. The particular content is displayed by a Web server 110 (Fig. 1; pg. 6, lines 11-21; and pg. 9, lines 15-17).

With respect to independent claim 12, a computer executable method comprises steps of identifying 502 a plurality of content providers 102 (Figs. 1 and 5; pg. 5, lines 13-15; and pg. 11, lines 6-7), and determining 506 whether each of the plurality of content providers 102 has any new content to retrieve (Fig. 5; pg.

11, lines 10-13 and pg. 12, lines 15-17). The method also includes retrieving 510 new content (Fig. 5; pg. 12, lines 6-7) from the plurality of content providers 102 that have new content to retrieve. The method further includes storing the retrieved content in a central database 108 (Fig. 1; pg. 12, lines 18-20). The method includes scheduling 318 the retrieved content (Fig. 3; pg. 9, lines 14-17) to be displayed on a Web page at a scheduled time (pg. 8, lines 4-7; and pg. 9, lines 14-17). The scheduled time is based on an attribute associated with the retrieved content (pg. 15, lines 12-19). Furthermore, the method includes displaying 320 the retrieved content on the Web page at the scheduled time (Fig. 3; pg. 9, lines 15-17).

With respect to independent claim 20, a computer executable method comprises identifying 502 a plurality of content providers 102 (Figs. 1 and 5; pg. 5, lines 13-15; and pg. 11, lines 6-7), and identifying 402 a storage location (Fig. 4; pg. 10, lines 2-6) associated with each of the content providers 102. The method includes retrieving a file from each storage location (Fig. 5; pg. 12, lines 6-7). The file identifies any new content to retrieve from the storage location (pg. 10, lines 10-16). If the file identifies new content to retrieve from the storage location, the method also includes retrieving 510 the new content (Fig. 5; pg. 12, lines 6-7) and storing the retrieved content in a central database 108 (Fig. 1; pg. 12, lines 18-20). The method continues with scheduling 318 the retrieved content (Fig. 3; pg. 9, lines 14-17) to be displayed at a first scheduled time, wherein the first scheduled time is based on a first attribute (pg. 15, lines 12-19) associated with the retrieved content. Furthermore, the method performs scheduling 318 the retrieved content to be removed at a second scheduled time based on a second

attribute associated with the retrieved content (pg. 15, lines 22-24).

With respect to independent claim 25, a content server 106 (Fig. 2; pg. 7, line 13) comprises a content collector 202 (Fig. 2; pg. 7, lines 14-15) configured to retrieve content from a plurality of content providers 102 (Fig. 1). The content server 106 further includes a content verification tool 204 (Fig. 2) coupled to the content collector 202 (Fig. 2). The content verification tool 204 (pg. 7, lines 15-18) is configured to verify content retrieved from the plurality of content providers 102. Furthermore, the content server 106 includes a content scheduler 210 (Fig. 2) coupled to the content collector 202. The content scheduler 210 is configured to schedule the received content for display (pg. 8, lines 3-4) and further to schedule the received content for removal (pg. 15, lines 19-24).

With respect to independent claim 31, a content processing system 100 (Fig. 1) comprises a content server 106 (Fig. 1; pg. 6, lines 4-9) configured to retrieve Web-based content from a plurality of Web content providers 102 (Fig. 1; pg. 5, lines 12-15). The retrieved content is defined in an extensible markup language (XML) file (pg. 12, lines 21-23). The system 100 also includes a database 108 (Fig. 1) coupled to the content server 106, wherein the database 108 (pg. 6, lines 7-9) is configured to store content retrieved from the plurality of content providers. The system 100 further includes a Web server 110 (Fig. 1; pg. 6, line 11) coupled to the content server 106. The Web server 110 includes a content structure definition file 112 (Fig. 1; pg. 6, line 22 to pg. 7, line 4) that defines a proper format for the content. The Web server 110 is configured to maintain a plurality of Web pages (pg. 6, lines 13-16) that are generated using content stored in the database 108. Each of the plurality of Web pages is

displayed during a scheduled (pg. 9, lines 15-17) time period associated with content contained in each Web page (pg. 15, lines 16-24).

With respect to independent claim 34, one or more computer-readable media 760, 764 (Fig. 7) having at least one physical media (pg. 20, lines 8-23). The computer-readable media 760, 764 having stored thereon a computer program (pg. 20, lines 14-17). When executed by one or more processors 744 (Fig. 7; pg. 19, lines 22-25), the computer program causes the one or more processors 744 to retrieve content from a plurality of content providers 102 (Fig. 1; pg. 9, lines 18-23), the retrieved content to be displayed in a Web page (pg. 5, lines 12-22; and pg. 9, lines 15-17). The program also causes the one or more processors 744 to schedule (pg. 15, lines 12-24) the retrieved content to be displayed in the Web page at a first scheduled time based on a first attribute (pg. 15, lines 12-19) associated with the retrieved content. The program further causes the one or more processors 744 to schedule the retrieved content to be removed (pg. 15, lines 22-24) from the Web page at a second scheduled time based on a second attribute (pg. 15, lines 12-19) associated with the retrieved content.

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 1-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,128,655 (hereinafter "Fields"), in view of U.S. Patent No. 6,247,032 (hereinafter "Bernardo").

(7) Argument

The rejection under 35 U.S.C. §103(a) over the combination of Fields and Bernardo does not establish a *prima facie* case of obviousness.

Claims 1-38 stand rejected under 35 U.S.C. §103(a) as being obvious over Fields in combination with Bernardo.

Applicant respectfully submits that the Office has not established a *prima facie* case of obviousness with respect to the combination of Fields and Bernardo.

The §103 Standard

In making out a §103 rejection, the Federal Circuit has stated that when one or more reference or source of prior art is required in establishing obviousness, "it is necessary to ascertain whether the prior art *teachings* would appear to be sufficient to one of ordinary skill in the art to suggest making the claimed substitutions or other modification." *In re Fine,* 5 USPQ 2d, 1596, 1598 (Fed. Cir. 1988). That is, to make out a *prima facie* case of obviousness, the references must be examined to ascertain whether the combined *teachings* render the claimed subject matter obvious. *In re Wood*, 202 USPQ 171, 174 (C.C.P.A. 1979).

Moreover, there is a requirement that there must be some reason, suggestion, or motivation *from the prior art*, as a whole, for the person of ordinary skill to have combined or modified the references. *See, In re Geiger,* 2 USPQ 2d 1276, 1278 (Fed. Cir. 1987). It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fritch,* 23 USPQ 2d 1780, 1784 (Fed. Cir.

1992).

Furthermore, MPEP 706.02(j) states that: "Finally, *the prior art reference* (or references when combined) *must teach or suggest all the claim limitations*." [Emphasis added.] The importance of this "all elements" requirement is further elaborated by MPEP 2143.03, which states: "To establish *prima facie* obviousness of a claimed invention, *all the claim limitations must be taught or suggested by the prior art. In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). *If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending there from is nonobvious. In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)." [Emphasis added.]

Therefore, it is essential that *all* of the features and limitations recited by a particular claim be taught or suggested by the prior art references – whether considered alone, or in a properly motivated combination - in order to support a rejection under § 103 against that particular claim. In turn, the failure to support a specific obviousness rejection against an independent claim results a failure to support that same rejection against any claims depending (directly or indirectly) from such independent claim.

Combination Fails to Teach All of the Required Features

The Office argues that Fields discloses nearly all of the recited features of the independent claims, except for certain particular features. The Office then relies upon on Bernardo, arguing that Bernardo discloses the particular required

features, thus curing the deficiencies of Fields. Respectfully, the Office is incorrect in this assertion and fails to establish a *prima facie* case of obviousness with respect to the rejected claims for at least the following reasons:

Claims 1-10

Claim 1 recites a computer executable method comprising (emphasis added):

- retrieving content from a plurality of content providers, wherein the retrieved content is to be displayed in at least one Web page;
- verifying a format of the retrieved content by comparing a data structure of the retrieved content with a data structure defined in a schema file;
- rejecting particular content if the particular content format is not valid; and
- if the particular content is valid:
    - scheduling the particular content to be displayed at a scheduled time; and
    - displaying the particular content at the scheduled time, the particular content being displayed by a Web server.

In making out the rejection of this claim, the Office argues (pages 2-3 of the Final Office action) that Fields teaches essentially all of the recited features of claim 1, *except* that Fields does not specifically teach: "verifying via comparison of a data structure of the retrieved content with a data structure defined in a schema file." The Office further states that Fields does not specifically teach: "scheduling publishing at a scheduled time." The Office then argues that Bernardo teaches "a Web site page content approval process, whereby said pages are sent to a designated user for approval pending publication, said approval

subject to time limits (i.e., a timeslice comprising a [sic] beginning and end times", citing particular teachings of Bernardo (discussed in detail below).

Upon careful review of the cited references and the arguments put forth by the Office, the Applicant agrees with the deficiencies of Fields as admitted by the Office. Respectfully, however, the foregoing arguments by the Office are incorrect with respect to both the scope and particular teachings of Fields and Bernardo. Furthermore, any particular deficiencies on the part of Fields, with respect to the subject matter recited by claim 1, are not cured by the teachings of Bernardo.

In regard to Fields, excerpts of that reference are provided below for convenience and clarity of understanding:

> "During configuration, the pass through publisher 101 [Fig. 2 of Fields] at the hosting site 103 is provided with the URLs 105 for the desired content provider web servers 107 and a set of filters 109 for the content publisher's document templates 111. For ease in illustration, a single client 113 and a single web content server 107 are depicted. ...Upon a request 115 from a client 113 for a given web page, typically made through an HTTP request from the resident browser, the process for providing a page using the pass through mechanism begins. Next, after having established that the requested page originates at the web content server 107, the hosting site makes a request 117 for the page. Presuming that this is a first request for the web page or that a more up to date version of the page is available at the web content provider than is cached locally, the page is returned 119." (Col. 4, lines 25-42 of Fields)
>
> "Next, the pass through publisher 101 retrieves the filter definitions and policies from the filter database 109 for this particular content provider web site. Using the filters and the retrieved HTML page, the pass through publisher 101 parses the HTML source for desired components of the page. Typically, this is the title of the article, the ad banner or banners and the article text itself, although other items on the page are potentially desirable. These pieces of content are then recast into a new web page by means of an HTML template 121 that matches the look and feel of the hosting Web site.

> The new page includes the graphics of the hosting provider as well as the navigational features of the hosting site. This page is then sent 123 to the client 113 for presentation by the browser."
> (Col. 4, lines 50-63 of Fields)

Thus, Fields is directed to providing a host web site, wherein the host web site answers a client (i.e., user) request for particular web site content by gathering that data from its original source, and reformatting that information into a new web page having the "look and feel" of the host web site. However, further examination of Fields reveals the following teachings of importance here:

> "Further, there is likely to be some *lag* between the time that the web content is available on the content provider's web page and its appearance on the hosting site. *This dilutes the desired appearance of the hosting site having the latest and greatest material*." (Col. 2, lines 24-28 of Fields) (Emphasis added.)

> "It is another object of the invention to automatically update material on the hosting web site *as it changes* on the content provider web sites."
> (Col. 2, lines 51-53 of Fields) (Emphasis added.)

> "It should also be noted that the *article text is preferably cached* in a local cache 131, on the hosting Web server 103, *for faster access* and guaranteed access in the event that the publisher's Web site becomes inaccessible. The invention encompasses several variations in the types of information parsed from the page and cached locally." (Col. 5, lines 12-17 of Fields) (Emphasis added.)

> "The aim of caching pass-through web content is to maximize efficiency by minimizing network bandwidth requirements while preserving the transparency of the transaction. By caching copies of the parsed content on the hosting server, serving the content to the end user directly and simulating their `hit` on the publisher's site in the background, *the end user gets content directly from hosting site without having to wait* for data to travel from the content web provider's site to the hosting site."
> (Col. 5, lines 47-55 of Fields) (Emphasis added.)

It is apparent from the tone and content of the foregoing excerpts that Fields is concerned with minimizing a user's wait for the information they have requested. That is, Fields teaches caching and other techniques so as to eliminate, to the fullest extent possible, any delay between the reception of a client request for web site content, and the provision of that content by way of the new web page.

More to the point, Fields expresses no concern whatsoever for scheduling particular content to be displayed at a scheduled time, or displaying the particular content at the scheduled time, as positively recited by the subject matter of claim 1. In fact, Fields is completely devoid of the terms "schedule", "scheduling" or any of their respective equivalents, in any context. To this extent, it can be fairly said that Fields teaches directly away from any such notion. Fields is directed to providing web site content to a user in a ***substantially immediate fashion***, if at all possible, and is not concerned with scheduling (i.e., potentially delaying the provision) of such a display.

In turn, the Office wrongly asserts that Bernardo provides for such scheduling (page 3 of Final Office action), in so much as Bernardo teaches: "a Web site page content approval process ...said approval subject to time limits" – referred to by Bernardo as an "approval interval". For convenience, the particular Office-cited portion of Bernardo is provided below:

> "For example, the user is able to specify parameters such as the *approval interval (i.e., how long a designated approver will have to take action after being notified of a request for approval*). The module may provide predefined standard messages for communicating an approval request and an approval notification." (Col. 10, lines 54-58 of Bernardo) (Emphasis added.)

Respectfully, neither a "time limit" nor an "approval interval" is the same as *scheduling* in any context, and certainly not as that term is used in the pending Application and corresponding claims. In order to understand this distinction, attention is directed to the text of the Application, which provides in salient part:

> "The system retrieves new content from the multiple content providers that have new content to retrieve. The retrieved content is stored in a central database and ***scheduled*** to be displayed on a Web page ***at a particular time***. The particular time is based on an attribute associated with the retrieved content. The retrieved content is then displayed on the Web page ***at the particular time***." (Page 3, line 23 to page 4, line 3 of the Specification) (Emphasis added.)

Thus, scheduling in the context of the pending Application refers to specific, predetermined times for the provision of new content from a content provider to a web page for display. Under Bernardo, a "time limit" or "approval interval" refers to a maximum acceptable amount of time that may be spent reviewing, editing and/or approving new content before that content is to be displayed, if at all, on a host web site. This is because Bernardo is concerned with getting new content created, edited and/or approved and forwarded on to display on a host web site as quickly as possible. In this regard, consider the following:

> "Among the inherent difficulties in creating and maintaining such sites is the problem of circulating the proposed Web pages to various individuals for review and approval prior to incorporating the material into a Web site. One technique is to circulate printed copies of the proposed pages and their content for approval. However, printed copies cannot fully demonstrate the operation of links to other objects contained within the hypertext, adequately display certain types of graphics, accommodate audio or video, support interactivity with the viewer, or otherwise fully illustrate the capabilities of the page." (Citation next below)

> "This technique also exhibits other problems inherent in a manual system, including a limited ability to track the approval process and remind cognizant personnel of the need to *provide their approval in a timely manner*. The manual system also does not fully support defining and limiting a reviewer's approval to specific portions of the document or to taking specific actions. Thus, for example, the one person might be responsible to review and approve artwork, while another person might be responsible for reviewing and approving other content."
> (Col. 1, lines 41-61 of Bernardo) (Emphasis added.)

For example, under Bernardo, if an agent is allocated a one hour time limit for the review and approval of certain new material and that agent accomplishes the approval task in only twenty minutes, so much the better. Bernardo expresses no requirement that such newly-approved material be delayed an additional forty minutes just to "eat up" the one hour allocation before that content is moved on to the next step in the sequence – which may (or may not) be the display thereof via the host web site. In short, Bernardo is not concerned with scheduling particular content to be displayed at a scheduled time, or displaying the particular content at the scheduled time, as in the subject matter recited by claim 1. Rather, Bernardo is concerned with performing the entire new content creation, editing and/or approval process as expeditiously as possible.

No possible combination of Fields and Bernardo teaches or suggests all of the required features so as to arrive at the subject matter of claim 1 as, at the very least, no possible combination of Fields and Bernardo teaches or suggests scheduling particular content to be displayed at a scheduled time, or displaying the particular content at the scheduled time, as positively recited by the subject matter of this claim. Thus, the § 103 rejection of claim 1 is invalid in view of MPEP 2143.03 and must be withdrawn.

The Combination Requires an Impermissible Modification

Assuming *arguendo* that the combination of Fields and Bernardo *did* teach or suggest the scheduling-related subject matter recited by claim 1 (which it does not), any modification to the respective teachings of Fields and/or Bernardo so as to provide for scheduling the display of content on a web page would change a respective principle of operation of that reference.

Fields is directed to providing content to a client (i.e., a user) in as timely a manner as possible – immediately, if such can be achieved. Such immediacy as taught - without exception - by Fields is repugnant to the principle of *scheduling* anything, let alone scheduling particular content to be displayed at a scheduled time, or displaying the particular content at the scheduled time, as positively recited by the subject matter of claim 1.

Similarly, Bernardo is directed to the expeditious performance of tasks in a content creation, editing and/or approval process so that such content is put before a user (or sent elsewhere) as soon as possible. Again, this is not the same as scheduling particular content to be displayed at a scheduled time, or displaying the particular content at the scheduled time, as positively recited by the subject matter of claim 1.

Therefore, Applicant asserts that any alteration to the respective subject matter of either Fields or Bernardo, in view of the (deficient) teachings of the other reference, is impermissible in view of MPEP 2143.01(V).

No Motivation to Combine Fields and Bernardo

Furthermore, the Office has failed to establish any motivation to combine Fields with Bernardo, as required in accordance with MPEP 2143.01(I). Specifically, Fields is directed to reformatting web site information so as to preserve the "look and feel" of the hosting web site. In turn, Bernardo is directed to establishing time limits upon the content editing and/or creation process, so as to derive a final result as expeditiously as possible. Neither Fields nor Bernardo express any concern or desire for ***scheduling*** the provision of web site content on a web page. In fact, both Fields and Bernardo express preferences for, and respective methods and mechanisms directed for, providing content and/or information to a user as quickly as possible. This is not the same as the subject matter of claim 1.

For each of the reasons mentioned above, the Office has failed to establish a *prima facie* case of obviousness with regard to the combination of Fields and Bernardo. Withdrawal of the 35 USC §103(a) rejection of claim 1 is requested.

Claims 2-10 depend from claim 1 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 1, are neither disclosed nor suggested in the references cited and applied by the Office.

Claims 12-19

Claim 12 recites a computer executable method comprising:

- identifying a plurality of content providers;
- determining whether each of the plurality of content providers has any new content to retrieve;

- retrieving new content from the plurality of content providers that have new content to retrieve;
- storing the retrieved content in a central database;
- scheduling the retrieved content to be displayed on a Web page at a scheduled time, wherein the scheduled time is based on an attribute associated with the retrieved content; and
- displaying the retrieved content on the Web page at the scheduled time.

The Office has admitted that Fields fails to teach "a database for storing content" (Page 5 of Final Office action). Appellant agrees with the Office as to the foregoing deficiency of Fields. Additionally, and for at least reasons substantially analogous to those argued above in regard to claim 1, the Office has failed to establish a *prima facie* case of obviousness with respect to claim 12. Thus, this claim is allowable.

Claims 13-19 depend from claim 12 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 12, are neither disclosed nor suggested by the references of record.

Claims 20-24

Claim 20 recites a computer executable method comprising:

- identifying a plurality of content providers;
- identifying a storage location associated with each of the content providers;
- retrieving a file from each storage location, wherein the file identifies any new content to retrieve from the storage location;
- if the file identifies new content to retrieve from the storage location:
    - retrieving the new content;
    - storing the retrieved content in a central database;

- scheduling the retrieved content to be displayed at a first scheduled time, wherein the first scheduled time is based on a first attribute associated with the retrieved content; and
- scheduling the retrieved content to be removed at a second scheduled time based on a second attribute associated with the retrieved content.

The Office has admitted that Fields fails to teach "a database for storing content" (Page 5 of Final Office action). Appellant agrees with the Office as to the foregoing deficiency of Fields. In addition, for at least reasons substantially analogous to those argued above in regard to claim 1, the Office has failed to establish a *prima facie* case of obviousness with respect to claim 20. Thus, this claim is allowable.

Claims 21-24 depend from claim 20 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 20, are neither disclosed nor suggested by the references of record.

Claims 25-30

Claim 25 recites a content server comprising:

- a content collector configured to retrieve content from a plurality of content providers;
- a content verification tool coupled to the content collector, the content verification tool configured to verify content retrieved from the plurality of content providers; and
- a content scheduler coupled to the content collector, the content scheduler configured to schedule the received content for display and further to schedule the received content for removal.

As made evident above, claim 25 recites a ***content scheduler*** configured to ***schedule*** the ***display*** and ***removal*** of received content. Thus, this claim recites a content server with capabilities that are consistent with ***scheduling*** in the context of the pending Application. No possible combination of Fields and Bernardo teaches or suggests scheduling received content for display nor scheduling received content for removal. For at least these reasons, and for reasons substantially analogous to those argued above in regard to claim 1, the Office has failed to establish a *prima facie* case of obviousness with respect to claim 25. Thus, this claim is allowable.

Claims 26-30 depend from claim 25 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 25, are neither disclosed nor suggested by the references of record.

Claims 31-33

Claim 31 recites a content processing system comprising:

- a content server configured to retrieve Web-based content from a plurality of Web content providers, wherein the content is defined in an extensible markup language (XML) file;
- a database coupled to the content server, the database configured to store content retrieved from the plurality of content providers; and
- a Web server coupled to the content server, the Web server including a content structure definition file that defines a proper format for the content, wherein the Web server is configured to maintain a plurality of Web pages that are generated using content stored in the database, and wherein each of the plurality of Web pages is displayed during a scheduled time period associated with content contained in each Web page.

The Office has admitted that Fields fails to teach "a database for storing content" (Page 6 of Final Office action). Appellant agrees with the Office as to the foregoing deficiency of Fields. Additionally, for at least reasons substantially analogous to those argued above in regard to claims 1, the Office has failed to establish a *prima facie* case of obviousness with respect to claim 31. Thus, this claim is allowable.

Claims 32-33 depend from claim 31 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 31, are neither disclosed nor suggested by the references of record.

Claims 34-38

Claim 34 recites one or more computer-readable media having at least one physical media, the computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to:

- retrieve content from a plurality of content providers, the retrieved content to be displayed in a Web page;
- schedule the retrieved content to be displayed in the Web page at a first scheduled time based on a first attribute associated with the retrieved content; and
- schedule the retrieved content to be removed from the Web page at a second scheduled time based on a second attribute associated with the retrieved content.

For at least reasons substantially analogous to those argued above in regard to claim 1, the Office has failed to establish a *prima facie* case of obviousness with respect to claim 34. Thus, this claim is allowable.

Claims 35-38 depend from claim 34 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 34, are neither disclosed nor suggested by the references of record.

Conclusion

The Office's basis and supporting rationale for the § 103(a) rejections is not supported by the teaching of the cited references. Applicant respectfully requests that the rejections be overturned and that the pending claims be allowed to issue.

Respectfully Submitted,

Dated: 11/20/06

By: _____

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(8) Appendix of Appealed Claims

1. (Previously Presented) A computer executable method comprising:

retrieving content from a plurality of content providers, wherein the retrieved content is to be displayed in at least one Web page;

verifying a format of the retrieved content by comparing a data structure of the retrieved content with a data structure defined in a schema file;

rejecting particular content if the particular content format is not valid; and

if the particular content is valid:

scheduling the particular content to be displayed at a scheduled time; and

displaying the particular content at the scheduled time, the particular content being displayed by a Web server.

2. (Original) A method as recited in claim 1 wherein displaying particular content includes:

displaying the particular content using a test Web page; and

if the particular content is successfully displayed using the test Web page, displaying the particular content using a live Web page.

3. (Original) A method as recited in claim 1 wherein displaying particular content includes deleting previously displayed content.

4. (Previously Presented) A method as recited in claim 1 wherein the scheduled time is an attribute associated with the particular content.

5. (Original) A method as recited in claim 1 further comprising storing the retrieved data in a central database.

6. (Previously Presented) A method as recited in claim 1 wherein scheduling the particular content includes creating a multi-level directory structure associated with the scheduled time.

7. (Previously Presented) A method as recited in claim 1 wherein the scheduled time is a timeslice having a start time and an end time.

8. (Original) A method as recited in claim 1 wherein the content is defined in an extensible markup language (XML) file.

9. (Previously Presented) A method as recited in claim 1 further comprising scheduling the particular content to be removed at a second scheduled time.

10. (Previously Presented) A method as recited in claim 1 wherein the scheduled time is a predetermined time period.

11. (Original) One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 1.

12. (Previously Presented) A computer executable method comprising:

identifying a plurality of content providers;

determining whether each of the plurality of content providers has any new content to retrieve;

retrieving new content from the plurality of content providers that have new content to retrieve;

storing the retrieved content in a central database;

scheduling the retrieved content to be displayed on a Web page at a scheduled time, wherein the scheduled time is based on an attribute associated with the retrieved content; and

displaying the retrieved content on the Web page at the scheduled time.

13. (Original) A method as recited in claim 12 wherein the retrieved content is defined in an extensible markup language (XML) file.

14. (Original) A method as recited in claim 12 further comprising verifying the format of the retrieved content.

15. (Previously Presented) A method as recited in claim 12 further comprising:

verifying the format of the retrieved content by comparing a data structure of the retrieved content with a data structure defined in a content structure definition; and

rejecting content that is not verified.

16. (Original) A method as recited in claim 12 further comprising:

verifying the format of the retrieved content; and

editing the content if the retrieved content is not verified.

17. (Previously Presented) A method as recited in claim 12 further comprising deleting previously displayed content after the scheduled time.

18. (Previously Presented) A method as recited in claim 12 wherein the retrieved content has an associated time slice, the time slice identifying a start date, a start time, an end date, and an end time for displaying the retrieved content.

19. (Original) One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 12.

20. (Previously Presented) A computer executable method comprising:

identifying a plurality of content providers;

identifying a storage location associated with each of the content providers;

retrieving a file from each storage location, wherein the file identifies any new content to retrieve from the storage location;

if the file identifies new content to retrieve from the storage location:

retrieving the new content;

storing the retrieved content in a central database;

scheduling the retrieved content to be displayed at a first scheduled time, wherein the first scheduled time is based on a first attribute associated with the retrieved content; and

scheduling the retrieved content to be removed at a second scheduled time based on a second attribute associated with the retrieved content.

21. (Previously Presented) A method as recited in claim 20 further comprising displaying the retrieved content on the Web page at the first scheduled time.

22. (Previously Presented) A method as recited in claim 20 further comprising verifying a format of the retrieved content and rejecting the retrieved content if the format is not valid.

23. (Previously Presented) A method as recited in claim 20 further comprising verifying a format of the retrieved content using a verification tool to compare the format of the retrieved content to a format defined in a schema file stored on a Web server.

24. (Original) One or more computer-readable memories containing a computer program that is executable by a processor to perform the method recited in claim 20.

25. (Previously Presented) A content server comprising:

a content collector configured to retrieve content from a plurality of content providers;

a content verification tool coupled to the content collector, the content verification tool configured to verify content retrieved from the plurality of content providers; and

a content scheduler coupled to the content collector, the content scheduler configured to schedule the received content for display and further to schedule the received content for removal.

26. (Original) A content server as recited in claim 25 further including a content editor coupled to the content scheduler and configured to modify the received content.

27. (Original) A content server as recited in claim 25 further including a test Web page configured to display retrieved content.

28. (Original) A content server as recited in claim 25 wherein the content verification tool rejects content if the content format is not valid.

29. (Original) A content server as recited in claim 25 further including a database configured to store the content retrieved from the plurality of content providers.

30. (Original) A content server as recited in claim 25 wherein the content is defined in an extensible markup language (XML) file.

31. (Previously Presented) A content processing system comprising:

a content server configured to retrieve Web-based content from a plurality of Web content providers, wherein the content is defined in an extensible markup language (XML) file;

a database coupled to the content server, the database configured to store content retrieved from the plurality of content providers; and

a Web server coupled to the content server, the Web server including a content structure definition file that defines a proper format for the content, wherein the Web server is configured to maintain a plurality of Web pages that are generated using content stored in the database, and wherein each of the plurality of Web pages is displayed during a scheduled time period associated with content contained in each Web page.

32. (Previously Presented) A content processing system as recited in claim 31 wherein the content structure definition file is accessible to content providers to verify their content prior to retrieval by the content server.

33. (Original) A content processing system as recited in claim 31 wherein the content server includes a content verification tool that rejects content if the content format is not valid.

34. (Previously Presented) One or more computer-readable media having at least one physical media, the computer-readable media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to:

retrieve content from a plurality of content providers, the retrieved content to be displayed in a Web page;

schedule the retrieved content to be displayed in the Web page at a first scheduled time based on a first attribute associated with the retrieved content; and

schedule the retrieved content to be removed from the Web page at a second scheduled time based on a second attribute associated with the retrieved content.

35. (Original) One or more computer-readable media as recited in claim 34 wherein the retrieved content is defined in an extensible markup language (XML) file.

36. (Previously Presented) One or more computer-readable media as recited in claim 34 wherein the one or more processors further create a multi-level directory structure.

37. (Previously Presented) One or more computer-readable media as recited in claim 34, wherein the one or more processors further display the particular content at the first scheduled time.

38. (Previously Presented) One or more computer-readable media as recited in claim 34, wherein the one or more processors further create a scheduled content file that contains scheduled times associated with retrieved content.

(9) Appendix of Submitted Evidence

There is no evidence submitted under this section.

(10) Appendix of Related Proceedings

There are no related proceedings submitted under this section.